

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Timothy Hayes,	)	
	)	C/A No. 0:07-1604-MBS
Plaintiff,	)	
	)	
vs.	)	
	)	<b>ORDER</b>
Deputy Lewis, Marion County Sheriff's	)	
Department; W.T. Johnson, Marion	)	
County Detention Center,	)	
	)	
Defendants.	)	
	)	

At the time of the underlying events, Plaintiff Timothy Hayes was a pretrial detainee at the Marion County Detention Center. Plaintiff brings this action pursuant to 42 U.S.C. § 1983.

This case currently is before the court on motion to dismiss filed by Defendants on August 10, 2007. Defendants contend that Plaintiff has failed to state a claim for relief because he has not requested any injunctive relief or compensatory or monetary damages. By order filed August 14, 2007, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), Plaintiff was advised of the dismissal procedure and the possible consequences if he failed to respond adequately. Plaintiff filed no response to the motion to dismiss.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the matter was referred to United States Magistrate Judge Bristow Marchant for pretrial handling. On August 24, 2007, the Magistrate Judge issued a Report and Recommendation in which she recommended that Defendants' motion to dismiss be granted. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report and Recommendation, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court adopts the Report and Recommendation and incorporates it herein by reference. Defendants' motion to dismiss (Entry 26) is **granted**, and the case dismissed, without prejudice.

**IT IS SO ORDERED.**

/s/ Margaret B. Seymour  
United States District Judge

Columbia, South Carolina

October 22, 2007

**NOTICE OF RIGHT TO APPEAL**

**Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**